

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

CARRIE M. LEO,

Plaintiff,

v.

NEW YORK STATE DEPT. OF ENVIRONMENTAL
CONSERVATION, et al.

Defendants.

**NOTICE OF MOTION AND
MOTION TO DISMISS**

Case No. 20-CV-7039 FPG

PLEASE TAKE NOTICE, that the Defendant herein, the United States Office of Personnel Management, by its attorney James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Kathryn L. Smith, Assistant United States Attorney, of counsel, will move this Court for an order pursuant to Fed. R. Civ. P. Rule 12(b)(5) and 12(b)(6) dismissing the complaint, and for such other relief as the Court may deem proper. The basis for this motion is set forth in the concurrently-filed Attorney Declaration and Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1), the United States intends to file and serve reply papers.

PLEASE TAKE FURTHER NOTICE, that this Motion is served in compliance with Local Rule 7(a)(8) regarding the service of unpublished decisions on *pro se* litigants.

PLEASE TAKE FURTHER NOTICE that this motion shall be heard by the Honorable Frank P. Geraci, Jr., United States District Court Judge of the Western District

of New York, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.

DATED: Rochester, New York,
August 26, 2021

JAMES P. KENNEDY, JR.
United States Attorney

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